

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 371 be amended to read as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 12-15-2-17, AS AMENDED BY P.L.272-1999, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2003]: Sec. 17. (a) Except as provided in ~~subsection~~ **subsections (b) and (d)**, if an applicant for or a recipient of Medicaid:

(1) establishes one (1) irrevocable trust that has a value of not more than ten thousand dollars (\$10,000), exclusive of interest, and is established for the sole purpose of providing money for the burial of the applicant or recipient;

(2) enters into an irrevocable prepaid funeral agreement having a value of not more than ten thousand dollars (\$10,000); or

(3) owns a life insurance policy with a face value of not more than ten thousand dollars (\$10,000) and with respect to which provision is made to pay not more than ten thousand dollars (\$10,000) toward the applicant's or recipient's funeral expenses; the value of the trust, prepaid funeral agreement, or life insurance policy may not be considered as a resource in determining the applicant's or recipient's eligibility for Medicaid.

(b) ~~if Subject to subsection (d)~~, **if** an applicant for or a recipient of Medicaid establishes an irrevocable trust or escrow under IC 30-2-13, the entire value of the trust or escrow may not be considered as a resource in determining the applicant's or recipient's eligibility for Medicaid.

(c) If an applicant for or a recipient of Medicaid owns resources described in subsection (a) and the total value of those resources is more than ten thousand dollars (\$10,000), the value of those resources that is more than ten thousand dollars (\$10,000) may be considered as a resource in determining the applicant's or recipient's eligibility for Medicaid.

(d) In order for a trust, life insurance policy, or prepaid funeral agreement to be exempt as a resource in determining an

applicant's or recipient's eligibility for Medicaid under this section, the applicant or recipient must designate the office or the applicant's or recipient's estate to receive any amounts remaining after delivery of all services and merchandise under the contract as reimbursement for Medicaid assistance provided to the applicant or recipient after age fifty-five (55). The office may receive funds under this subsection only to the extent permitted by 42 U.S.C. 1396p."

Page 2, line 39, after "satisfied." insert **"No lien shall be filed until the hearing process is completed if a hearing is requested."**

Page 3, line 13, after "recipient" insert **"or the Medicaid recipient's authorized representative, if applicable,"**.

Page 4, line 22, after "than", delete "the statewide average value of a" and insert **"seventy-five thousand dollars (\$75,000.00)."**

Page 4, delete line 23.

Page 4, line 24, delete "whichever occurs first."

Page 4, line 25, after "exceeds" delete "the statewide average homestead value," and insert **"seventy-five thousand dollars (\$75,000.00),"**.

Page 4, line 26, after "property" delete "the statewide average homestead value" and insert **"or less than seventy-five thousand dollars (\$75,000.00)".**

Page 5, line 39, after "exceeds" delete "the statewide" and insert **"seventy-five thousand dollars (\$75,000.00)".**

Page 5, delete line 40.

(Reference is to SB 371 as printed February 1, 2002.)

Senator KENLEY